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LU'ONG, ALAN H				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary

Application No.

10/670,973

Applicant(s)

KIM ET AL.

Examiner

ALAN LUONG

Art Unit

2427

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 November 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 11, 18-20, 50-55, 60 and 67-71 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 11, 18-20, 50-55, 60 and 67-71 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-946)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No.(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 11/05/2010 have been fully considered but they are not persuasive.

1. Applicant respectfully submitted that Mages simply discloses communicating with a service-provider to seek permission from the service-provider for downloading of the missing, critical data, but without by way of transmitting version information related to the data. Lamkin and Kanazawa, as well as Tsumagari, fail to remedy at least this additional deficiency of Mages. Thus, Mages, Lamkin and Kanazawa, either individually or in combination, fail to disclose or suggest a method for connecting a media player to a remote server, the method comprising ***checking whether connecting to the remote server is required when reproducing data recorded on the storage medium by transmitting version information related to the data to the remote server***, as recited in claim 1 and similar in claim 50. (Remark, page 7-8). Examiner respectfully disagrees.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In this case;

Lamkin is no longer cited in the rejection and therefore all arguments to Lamkin are moot. In new grounds of rejection; combination of Mages and Collart teach ***checking***

whether connecting to the remote server is required when reproducing data recorded on the storage medium by transmitting version information related to the data to the remote server; (see new grounds of rejection claim 1)

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims **1-7, 11, 18-20, 50-55, 60 and 67-69** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Mages** et al. (US Patent 6,035,329), in view of **Collart** (US Pub. 2005/0044481); further in view of **Kanazawa** et al. (US Patent 6,580,870)

Regarding to claim 1: Fig. 1 and 2 of Mages illustrates a DVD-player [12] supports **a method** in Fig. 3A-3B; **for connecting a media player** (i.e. DVD-player [12]) **to a remote server** (i.e. an Internet server or cable-TV provider); (**Mages, col. 3 lines 18-53**) the method comprising:

determining whether a storage medium is one allowing interaction with additional contents (i.e. determining the type of DVD-ROM [10] and for accessing the service-provider), DVD-ROM [10] is Hyper-DVD is one allowing interaction with additional contents" (i.e. the enabling data provided to the DVD-player allowing the playback of the

DVD-ROM (Hyper-DVD) video data is provided to the DVD-player via the Internet or via the cable-TV system provider) (**Mages, col. 3 lines 18-col. 4 line 3**).

Fig. 3B shows the Hyper-DVD-player software determines (check) if the code or codes indicate a Hyper-DVD or a non-Hyper DVD-ROM, if the code or codes indicate a Hyper-DVD, then the software of the DVD-player communicates with the service-provider (block 60), such as an Internet server or cable-TV provider, and the like. The player-software seeks permission (connecting to a remote server is required) from the service-provider the downloading of the missing, critical data (block 62) Hyper-DVD player of the customer's computer or cable box, has received the missing, critical data, the critical data is merged with the crippled, or encrypted, data on the Hyper-DVD-ROM (block 64).(**Mages, col. 4 lines 20-41**) meets the limitation of claim **"check whether connecting to a remote server is required when reproducing data recorded on the storage medium"**

However, Mages is missing with respect to "by transmitting version information related to the data to the remote server" in claim limitation "check whether connecting to a remote server is required when reproducing data recorded on the storage medium by transmitting version information related to the data to the remote server";

In an analogous art, Collart teaches **"transmitting version information related to the data to the remote server"**; ; (Collart, Fig. 6, ¶0055); Fig. 6 illustrates a user inserts a DVD into a player at block 600 and the display operation is initiated by a user action as shown in function block 602 determines that an Internet connection to a remote server is initiated at block 606. The server performs a table lookup to determine if there is

updated information for display to the user based on certain criteria (using version numbers, date, user ID, retailer, etc.) as shown in function block 608. User information can include profile information that specifies a particular user's requirements and tastes. Information such as the BCA number can be used to determine appropriate content to transmit.)". Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify connecting to a remote server is required when reproducing data recorded on the storage medium of Mages includes transmitting version information related to the data to the remote server as taught by Collart to allow user can update version information on the disk without replace old disk from producer. **(Collart, ¶0009).**

Fig. 4 of Mages depicts **determine whether a connection to the remote server** (i.e. server [72]) **is permitted** (i.e. requester is valid customer which has current account with service provider or requiring a verification key or password) **if the connecting to the remote server is required; (Mages, col. 4 line 42-col. 5 line 7),** and Collart teaches **"receive an additional content from the remote server"; see above discussion; (Collart, ¶0055).**

In combined with above cited portion of Mages, Mages and Collart teach **"determine whether a connection to the remote server is permitted, if the connecting to the remote server is required to receive an additional content from the remote server"**.

However, Mages and Collart are unclear with **"analyzing connection information recorded on the storage medium"; " the connection information comprising a list**

of servers to which the media player may or may not connect; if the connecting to the remote server is required"

In an analogous art, Kanazawa teaches **analyzing connection information recorded on the storage medium**; (i.e. determine the NV_PCK includes an ID, the WWW browser 117 will be used to connect to a previously fixed external server, such as a provider ; an ID correlates URL link;) (**Kanazawa, Fig. 22-23, col. 17 line 5-col. 18 line 23**).

Further, *Fig. 9 of Kanazawa illustrates a flowchart for the operation the CPU 1 refers to check on the basis of parental information (or parental level) (as connection requirement with Web server) to see if more than one piece of WEB display related information (or link information) is present (step S75) and selects WEB display related information that coincides with the parental level. The CPU 1 accesses the relevant Web server and receives the Web page when the parental level of the related information is user-specific telephone number or relevant link), for example, the adult oriented maximum level "8"*); meets the scope of **(a list of servers to which the media player may connect)**; (*if the parental level set in the reproducing system is "7" or lower, the related information (i.e. user-specific telephone number) will not be reproduced even if the user requests*); meets the scope of **(a list of servers to which the media player may not connect)**(**Kanazawa, col. 9 lines 17-47, col. 9 line 49 to col. 10 line 19**) meets the limitation of claim " **the connection information comprising a list of servers to which the media player may or may not connect; if**

the connecting to the remote server is required. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify connecting to the remote server is required by Mages and Collart, includes a list of servers to which the media player may or may not connect as taught by Kanazawa; to provide a reproducing system which reproduces AV information from a storage medium, such as a DVD, and which is capable of not only reproducing normal titles but also easily acquiring related information connected with specific stream information from resources on a computer network.

Further, combined with **"if the connecting to the remote server is required to receive an additional content from the remote server"** of Mages and Collart, Fig. 19 A and 19B of Kanazawa illustrates a display screen that links the DVD video with the HTML contents from an external WWW server ; **(Kanazawa, col. 15 lines 32-60)** meets **"the additional content to be reproduced in synchronization with the data recorded on the storage medium"**;

Finally, combined with **if the connection to the remote server is permitted** of Mages, Figs. 20-22 of Kanazawa illustrate a method for **determining whether to request the connection to the remote server based on a result of the analyzing wherein the determining step includes performing the connection to the remote server, in accordance with the connection information;** **(Kanazawa, col. 16 line 15-col. 17 line 47).**

Regarding to claim 2: The method of in claim 1, Mages also teaches **wherein the connection information is included in a start-up file that is read prior to**

reproduction of the data recorded on the storage medium (i.e. Initially, the Hyper-DVD files (**a start-up file**) are **read** (block 40), analyzed, and the critical information thereof is extracted (block 42). The critical, or enabling, data for allowing access to the DVD-ROM data may be missing header, etc., and may also include conventional password, ID, security methods, or other standard verification keys. The DVD-ROM is, therefore, crippled (block 44), and cannot be read without it. The critical or missing data is then stored separately and independently of the DVD-ROM (**the storage medium**) (block 46) for eventual storage by an Internet Service Provider or cable provider)(**Mages, col. 4, lines 6-19**) **and preloading the start-up file prior to the reproducing of the data recorded on the storage medium.** (i.e. the code on the DVD-ROM for indicating that it is a Hyper-DVD requiring a verification key or password from a service-provider may be supplying by download the missing header, or any other data for uncripping the crippled data on the DVD-ROM (**preloading the start-up file**)(block 62 of Fig. 3B). Also, the use of a password or key, and the like, which would be provided by the service-provider if the user's requester passes a set of requirements, such as credit check, and the like, may be used) (**Mages, col. 4, lines 30-41; col. 4 line 65 to col. 5 line7**) .

Regarding to claim 3: The method of claim 2, Mages further teach **wherein the start-up file comprises information associated with a list of additional contents to be loaded before the data recorded on the storage medium is reproduced** (i.e. Initially, the software stored by the Hyper-DVD player; reads the parental code and the country code on the DVD-ROM (block 50) (**wherein the start-up file comprises**

information), the Hyper-DVD-player software determines if the code or codes indicate a Hyper-DVD. The player-software seeks permission from the service-provider the downloading of the missing, critical data (block 62) **(a list of additional contents to be loaded)**. After the Hyper-DVD player of the customer's computer or cable box, has received the missing, critical data, the critical data is merged with the crippled, or encrypted, data on the Hyper-DVD-ROM (block 64). Then, the uncrippled software of the Hyper-DVD-ROM is read by the DVD-player for playback (block 66). **(the data recorded on the storage medium is reproduced)** (Mages, col. 4, lines 22-41)

Regarding to claim 4: In the method of claim 2, Mages also discloses **wherein the start-up file comprises information associated with a right to reproduce the data recorded on the storage medium** (each DVD-ROM also has a country code which DVD-player's software preventing play **the data recorded** on the DVD-ROM if the country code on the DVD-ROM does not match the country code of the DVD-player), **(Mages, col. 2 lines 14-20); information associated with a region code** (i.e. as country code).

Regarding to claims 5, 6, 7: The method of claim 1, Kanazawa further teaches: **receiving data from the remote server includes a corresponding web page information is outputting, if the connection to the remote server is performed;** (i.e. *the user requesting the display of HTML contents one by one by pressing buttons, all the HTML contents may be displayed automatically, interlocking with the playback of the DVD video. FIG. 19A, CPU executes the DVD video provided by the DVD playback control program 116 and the HTML contents provided by the WWW browser 117 are*

displayed simultaneously on the screen when the user presses a Web display key on a remote control unit to specify the interlocking display of HTML contents, or when the user selects a Web button displayed on a DVD video image with a remote control unit, a keyboard, or a mouse, the HTML contents related to the moving picture presently being reproduced are automatically acquired from an external WWW server and displayed on the screen as shown in FIG. 19B) (Kanazawa, col. 5 lines 40-54, col. 8 lines 21-40, col. 15 lines 34-45 and col. 20 lines 1-28).

Regarding to claim 11: the method of claim 1, Mages teaches wherein **the data recorded on the storage medium comprises audio/video (A/V) data** (securing a DVD-ROM by crippling the video and audio data), **(Mages, col. 1 lines 29-34)** and **additional contents associated with the A/V data** (each DVD-ROM also has a country code which DVD-player's software preventing play **the A/V data** of the DVD-ROM if the country code on the DVD-ROM does not match the country code of the DVD-player), **(Mages, col. 2 lines 14-20)**. Referring to Fig. 19, Kanazawa teaches **"reproducing the A/V data and the additional contents in synchronization"**. **(Kanazawa, col. 15 lines 32-60)**

Regarding to claim 18: The method of claim 1, Mages also teaches **wherein the connection information comprises at least one entry** (i.e. country code) **associated with loading information** (i.e. The enabling data such as missing header, etc., and may also include conventional password, ID, security methods, or other standard verification keys for allowing access to the DVD-ROM) **that controls access to**

information (i.e. the critical missing data [70] of Fig. 4) **available on at least one server** (i.e. Internet Server [72]) (**Mages, col. 3, line 56-col. 4 line 3 and col. 4, lines 20-53**)

Regarding to claim 19: In the claim 18 above; Fig. 4 of Mages illustrates a schematic for storing the critical data and software on the server for downloading to a customer; **wherein the loading information comprises at least a condition** (i.e. the requester is a valid customer and current on his account) **for loading the information** (i.e. missing parts [70]) **available on the at least one server** (**Mages, col. 4, lines 42-56**)

Regarding to claim 20: In the claim 19 above; Kanazawa teaches **wherein the loading information comprises at least one of a language** (i.e. HTML script) **supported by the media player** (**Kanazawa, col. 20 lines 7-17**)

Regarding to claim 50: FIG. 1 of Mages illustrates a block diagram of the DVD-ROM player system as **an apparatus for connecting a media player [12] to a remote server** (Internet Server) merely repeats the same features as cited in claim 1, claim 50 is rejected for the same reason as discussed in claim 1.

Herein:

a signal processor (i.e. a microprocessor or CPU 22);

a memory (i.e. memory storage 20); and

a control unit (i.e. microprocessor 16) **configured to control the signal processor and the memory** (**col. 3 lines 18-42**)

, the control unit configured to check whether connecting to a remote server is required (Associated with the microprocessor [16] is memory storage 20 for storing software that allows the system of the invention to discriminate between DVD-ROM's requiring pay-per-view play or Hyper-DVD, and those that are free and do not require pay-per-view play or non-Hyper-DVD. (col. 4 lines 20-41)

Regarding to claim 51: The apparatus of claim 50; merely repeats the same limitations of claim 2, claim 51 is rejected for the same reason as discussed in claim 2.

Regarding to claim 52: The apparatus of claim 51; merely repeats the same limitations of claim 3, claim 52 is rejected for the same reason as discussed in claim 3.

Regarding to claim 53: The apparatus of claim 51; merely repeats the same limitations of claim 4, claim 53 is rejected for the same reason as discussed in claim 4.

Regarding to claim 54: The apparatus of claim 50; merely repeats the same limitations of claim 5, claim 54 is rejected for the same reason as discussed in claim 5.

Regarding to claim 55: The apparatus of claim 54; merely repeats the same limitations of claims 6 and 7, claim 55 is rejected for the same reason as discussed in claims 6 and 7.

Regarding to claim 60: The apparatus of claim 50; merely repeats the same limitations of claim 11, claim 60 is rejected for the same reason as discussed in claim 11.

Regarding to claim 67: The apparatus of claim 50; merely repeats the same limitations of claim 18, claim 67 is rejected for the same reason as discussed in claim 18.

Regarding to claim 68: The apparatus of claim 67; merely repeats the same limitations of claim 19, claim 68 is rejected for the same reason as discussed in claim 19.

Regarding to claim 69: The apparatus of claim 50; merely repeats the same limitations of claim 20, claim 69 is rejected for the same reason as discussed in claim 20.

3. Claims **70 and 71** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Mages et al., Collart** and **Kanazawa et al.**, in view of **Tsumagari et al.**(US Pub. 2003/0161615 A1)

Regarding to claim 70: The method of claim 1, Mages teaches if the storage medium is determined to be one allowing interaction with the additional contents (When Hyper DVD code is detected by Hyper DVD software executed by CPU 16; then the software of the DVD-player communicates with an Internet server or cable-TV provider. The player-software seeks permission from the service-provider the downloading of the missing, critical data (block 62). (**Mages, col. 4 lines 20-41**). However, Mages, Collart and Kanazawa fail to teach determining whether the additional content of the storage medium is to be reproduced in an enhanced mode, the enhanced mode being a synchronous playback mode for the additional contents.

In an analogous art directed toward a similar problem namely improving the results from the additional content of the storage medium is to be reproduced in an enhanced mode, the enhanced mode being a synchronous playback mode for the additional contents. Fig. 30 of Tsumagari illustrates **the additional content of the storage medium** (The ENAV contents [30] of the DVD disc [1]) **is to be reproduced in an enhanced mode**

(an ENAV mode that activates ENAV may be prepared, and access to the end of the DVD-Video area may be allowed in this ENAV mode; example in Fig. 12 shows ENAV contents 30A, 30B and 30C in ENAV mode) (Tsumagari, Abstract; ¶0058, ¶0077, Fig. 12: ¶0180) (The ENAV contents are played back by an ENAV engine [30]). The ENAV engine (i.e. Navigation contents 30) controls playback of the ENAV contents; the video contents [10] in combination, connection, and/or **synchronism** with each other according to the played-back contents of the ENAV contents as displayed in Fig. 18 A-18C). (Tsumagari, Abstract; ¶0067, ¶0074, ¶0234, ¶0226, ¶0254, ¶0284, ¶0304) meets the limitation of **"the enhanced mode being a synchronous playback mode for the additional contents"**. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify allowing interaction with the additional contents of Mages, Collart and Kanazawa, to be reproduced the additional contents in an enhanced mode and **the enhanced mode being a synchronous playback mode for the additional contents** as taught by Tsumagari; to provide the navigation engine is configured to play back the navigation contents of the disc, and is configured to control playback of the navigation contents in connection with the AV contents according to the navigation contents. (¶0019)

Regarding to claim 71: The apparatus of claim 50, merely repeats the same limitations of claim 70, claim 71 is rejected for the same reason as discussed in claim 70.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALAN LUONG whose telephone number is (571)270-5091. The examiner can normally be reached on Mon.-Thurs., 8:00am-5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Beliveau can be reached on (571) 272-7343. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ALAN LUONG/
Examiner, Art Unit 2427

/Scott Beliveau/
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